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Communities of Arizona and Michael A. Parham*

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:

**PETITION TO AMEND THE
RULES OF PROCEDURE FOR
EVICITION ACTIONS**

Supreme Court No. R-16-0022

**COMMENTS ON
PROPOSED RULE**

In this third attempt to change the rules of the State Bar on prohibiting change of judge in eviction cases, the Supreme Court has overseen a study identifying changes resulting from such a rule.

The report shows no identifiable difference to anyone resulting from such a change.

Eviction cases are statutory summary proceedings that consider only limited issues—possession of the premises, amounts of rent due, and court costs and legal fees. At least 95% of cases are for non-payment of rent, an issue that would seem to present no legitimate basis for changing a judge without cause.

Eviction cases move quickly through the legal system, something necessary to protect landlord property rights, mandated by statute, and made possible by the

1 limited issues involved. They are unique and not comparable to the other kinds of
2 civil actions alluded to in the Bar proposal. There are many procedures available in
3 other civil actions not available in evictions for exactly those reasons—extensive
4 discovery and endless motion practice to name two.
5

6 The idea of these Rules was to give effect to the statutes controlling eviction
7 actions with streamlined, effective procedures affording true due process to tenants
8 while protecting landlord property rights and honoring the requirements of the
9 controlling statutes.
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12 **DATED:** August 2, 2017.

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14 **Williams, Zinman & Parham, P.C.**

15 (Electronically Signed)

16 *Michael A. Parham*

17 By:

18 Michael A. Parham

19 A copy of this comment has been e-mailed this 2nd day of August 2017 to:

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21 General Counsel

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